



Read 15-March 1726

Enacted 12 Geo. I. Public Acts, c. 16

212. R. 7
12.

An ACT for Repairing the Road from
Spittlegate-Hill, near Grantham, in
the County of Lincoln, to Little Drayton,
in the County of Nottingham.



Whereas the Highway or Road leading from Spittlegate-Hill, in the Parish of Grantham in the County of Lincoln, through Grantham, Newark, and Tuxford, to Little Drayton in the County of Nottingham, by reason of many heavy Carriages frequently passing through the same, is become very much out of Repair, and several Parts thereof, in the Winter Season, so bad, that Passengers cannot pass through the same, without Danger, and cannot, by the ordinary Course appointed by the Laws and Statutes of this Realm, be effectually Amended and kept in Repair, without some other Provision be made for that Purpose.

Wherefore, and to the Intent the said Highway or Road may, with all convenient Speed, be effectually Amended, and hereafter kept in good and sufficient Repair, so as that all Persons may travel through the same with Safety;

May it Please Your MAJESTY;

That it may be Enacted; And be it Enacted, by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the better Surveying, Ordering, Repairing, and keeping in Repair, the said Highway or Road, it shall be in the Power of the Right Honourable Scroope Lord Viscount Howe, in the Kingdom of Ireland, the Right Honourable John Lord Viscount Tyrconnell, in the Kingdom of Ireland; the Right Honourable Sir Robert Sutton, Knight of the Bath; Sir Hardolph Wasteneys, Baronet; Sir Matthew Jenison, Knight, Sir Gilbert Heathcote, Knight; the Honourable Brigadier Richard Sutton, the Honourable James Pelham, Esquire; John Heathcote, Francis Fisher, Esquires; Thomas White, St. Andrew Thornagh, John White, George Cartwright, Robert Hacker, John Hacker, Job Staunton Charleton, Edmond Dickenson, George Forbergill, William Bristowe, Thomas Hurst, Alexander Holden, William Darwin, Robert Darwin, Thomas Stow, George Mower, Robert Sherard, Robert Thoroton, Robert Keyworth, Esqrs; Henry Tooker, M. D. Mordecai Hunton, M. B. Edmund Hynde, John Kirke, John Milnes, Samuel Rastall, John Heron, Robert Heron, Samuel Forster, John Clay, Senior, Thomas Tompkin, John Taylor, William Farrow, John Herring, William Hoyes, Thomas Wilson, Senior, Henry Martin, Joseph Lund, Richard Hawkesworth, Thomas Haslam, Christopher Swift, John Sharp, Joseph Pocklington, John Calcraft, Senior, John Calcraft, Junior, Edward Knipe, Edward Eastland, Benjamin Farnsworth, Christopher Buckley, Richard Burkitts, Gentlemen; the Mayor and Aldermen of Newark for the time being; the Aldermen and Com-Burgesses of Grantham for the time being; the Reverend Mr. Richard Sterne, the Reverend Mr. Bernard Wilson, the Reverend Mr. Francis Charlton, the Rev. Mr. William Warburton, Sen. the Rev. Mr. William Warburton, Jun. the Rev. Mr. Matthew Bradford, the Rev. Mr. James Naish, the Rev. Mr. Keys of Tuxford; Who are hereby nominated

nominated and appointed Trustees for putting this *Act* in Execution, and the Survivors of them, and that they, or any five or more of them, or such Person or Persons, as they, or any five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in or cross any Part or Parts of the said Highway or Road, and shall receive and take the Tolls and Duties following, before any Horse, Cattle, Coach, Berlin, Chariot, Chaise, Chair, Calash, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through the same, *viz.* For every Coach, Berlin, Chariot, Chaise, Chair or Calash, drawn by six Horses, or more, the Sum of Two Shillings; for every Coach, Berlin, Chariot, Chair, Chaise, or Calash, drawn by four Horses, the Sum of One Shilling and Six-pence; for every Coach, Berlin, Chariot, Chair, Chaise, or Calash, drawn by less than four Horses, the Sum of One Shilling; for every Waggon, Wain, Cart, or Carriage, drawn by more than six Horses or Oxen, the Sum of Two Shillings and Six-pence; and drawn by six Horses or Oxen, the Sum of Two Shillings; and drawn by five Horses or Oxen, the Sum of One Shilling and Six-pence; and drawn by four Horses or Oxen, the Sum of One Shilling; and drawn by three Horses or Oxen, the Sum of Nine-pence; and drawn by two Horses, the Sum of Six-pence; and drawn by one Horse, the Sum of Four-pence; for every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Half Pence; for every Drove of Oxen, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or lesser Number; for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any greater or lesser Number: Which said respective Sum and Sums of Money, shall be demanded and taken in the Name of, or as a Toll or Duty, and the Monies so to be raised as aforesaid, is and shall hereby be vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such manner, as is herein after mentioned and declared (the reasonable Charges expended, or to be expended in, and about, or by reason of passing this *Act of Parliament*, being first deducted:) And they the said Trustees, or any five or more of them, are hereby empowered, by themselves, or any Person or Persons by them, or any five or more of them, under their Hands and Seals thereunto authorized, to levy the Toll or Duty hereby required to be paid, upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this *Act* imposed, or upon any other of the Goods and Chattels of such Person or Persons, who ought to pay the same, and may detain and keep the same, until such Toll or Duty, with the reasonable Charges of such detaining and keeping shall be paid; and it shall and may be lawful, to and for such Person and Persons so distraining, after the Space of five Days after such Distress made and taken, to sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll, Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Land near unto any Turnpike to be erected in pursuance of this *Act*, shall, for Gain or Reward, permit or suffer any Person or Persons whatsoever, to pass through any Gate, Passage, or Way, with any Coach, Berlin, Chaise, Chariot, Chair, Calash, Waggon, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle, whereby the Payment of the Toll appointed by this *Act*, is or shall be avoided, every such Person so offending, and the Person driving such Coach, Berlin, Chaise, Chariot, Calash, Chair, Waggon, Cart, or Carriage, or riding or driving any Horse, Ass, Mule, or any Sort of Cattle; or if any Person or Persons shall take off, or cause to be taken off, any Horse or Horses, from any Coach, Berlin, Chariot, Chaise, Chair or Calash, or any Horse or Horses, Ox or Oxen, from any Waggon, Wain, Cart or other Carriage, in order to elude or lessen the Payment of the Toll or Duty by this *Act* imposed and made payable, and being thereof convicted upon Oath, before any one or more Justice or Justices of the Peace for the said Counties of *Lincoln* or *Nottingham*, shall forfeit and pay to the said Trustees, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, or of the Goods of the Owner of such Coach, Berlin, Chariot, Calash, Chair, Chaise, Waggon, Cart or Carriage, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices, rendering the Overplus to the Owner; which said Penalty of Twenty Shillings, when recovered, shall go and be applied, one Moiety thereof to the Use of the Informer, and the other Moiety towards Repairing the said Road.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any five or more of them, to erect one or more Gate or Gates, Turnpike or Turnpikes, on the Side of the said Highway or Road, cross any Lane or Way leading out of the said Highway or Road, and there to receive and take such Toll as is appointed by this *Act* to be taken, at any Turnpike to be erected by Virtue hereof, so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes to be erected by Virtue of this *Act*.

Provided

provided always, That during the Continuance of this *Act*, all Coaches, and Passengers on Horseback, shall pass and repass Toll-free, on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Lincoln* and *Nottingham*, or either of them; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the said Trustees at their first Meeting, or any five or more of them then present, or at any succeeding Meeting, by Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons, to be Receiver or Receivers, Collector or Collectors of such Money, in the Name of such Toll or Duty, as shall be due and payable by Virtue of this *Act*; and also One or more fit Person or Persons, to be Surveyor or Surveyors, to see the Condition of the said Road, and to see that the same be Repaired and Amended, and such other Officer or Officers as they think necessary; and that the Money raised and expended by Virtue of this *Act* be duly applied; and such Person and Persons as is or are by this *Act* liable to pay the said Toll or Duty, is, and are hereby required to pay the same, after the Rate aforesaid, to the said Receiver or Receivers, Collector or Collectors of the said Toll or Duty in that Behalf from Time to Time appointed as aforesaid; and the Person or Persons so appointed as aforesaid, for the Receiving of the said Toll or Duty, and also such Surveyor or Surveyors aforesaid, shall, upon Oath (if thereunto required by the said Trustees, or any five or more of them) before One or more Justice or Justices of the Peace residing near to the Highway or Road aforesaid (which Oath such Justice or Justices is and are hereby impowered and required to administer) on the first *Friday* in every Month, during the Continuance of this present *Act*, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by Virtue of this *Act*, by reason of their respective Offices; for which Oath no Fee or Reward shall be taken, and the same may be taken in Writing, without any Stamp thereupon: And in case any Money so received, shall remain in their, or either of their Hands, the same shall be paid to the said Trustees, or any five or more of them, or to such Person or Persons, as they, or any five or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, which shall be disbursed and laid out in Amending the said Highway or Road, according to the true Meaning of this *Act*, and not otherwise: And the said Trustees, or any five or more of them, to whom such Account shall be given, shall and may, out of the Money arising by the said Toll or Duty, make such Allowance unto the said Receiver and Receivers, Collector and Collectors, and the Surveyor or Surveyors, and to such other Officer or Officers as they or any five or more of them shall appoint, for and in Consideration of his and their Care and Pains respectively taken in Execution of his and their said respective Office and Offices, and to such other Person and Persons, who have been, or shall be, assisting in and about procuring the said Highway or Road to be Amended and Repaired as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto, as to them shall seem good: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Toll or Duty so to be paid as aforesaid, or any of them, shall not make such Account and Payment unto such Person and Persons, according to the Order and Directions of the said Trustees, or any five or more of them, as aforesaid, that then the said Justices, at any special Sessions, or Monthly Meeting of them, to be holden for any Division in which the said Highway or Road doth lie, in the said Counties of *Lincoln* and *Nottingham*, shall make Enquiry of or concerning such Default, as well by Confession of the said Parties themselves, as by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath they are hereby impowered and required to administer without Fee or Reward) And if any Person or Persons shall be thereof convicted by such Justices (who are thereunto hereby impowered) the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County where such Offence shall be committed, there to remain without Bail or Mainprize, until he and they shall have made a true and perfect Account, and Payment as aforesaid.

And be it further Enacted, by the Authority aforesaid, That it shall and may be Lawful for the said Surveyor and Surveyors, and such Person and Persons as he and they shall appoint, to Dig, Gather, Take, and Carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common of any Parish, Town, Village, or Hamlet, in or near which any Foundrous or Ruinous Places of the said Highway or Road do lie; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials there, to Dig, Gather, Take, and Carry away the same, out of the Waste or Common of any Neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same; and where there is not sufficient of such Materials in any Commons or Waste Grounds near adjoining, it shall and may be lawful for them, by Order of the Trustees, or any five or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, or Meadow, planted Walk or Walks, or Avenue to a House) where any such Materials are or may be found, and from Time to Time to carry away such, and so much thereof, as the said Surveyor and Surveyors, in their respective Places, shall adjudge necessary for the Repairing and Amending

Amending the said Highway or Road, paying such Rate for such Materials to the Owner or Occupier of the Ground where, and from whence the same shall be Digged, Gathered, and Carried away, as the Trustees appointed, or to be appointed, to put this *Act* in Execution, or any five or more of them, shall adjudge reasonable; And in case of any Difference concerning the same, between such Owner or Occupier, and the said Trustees, touching the Damage aforesaid, the Justices of the Peace at the next General Quarter Sessions, to be Holden in the County where, and from whence such Materials shall be Digged, Gathered, or Carried away, shall and may Adjudge, Assess, and finally Determine the same.

And be it further Enacted, by the Authority aforesaid, That it shall and may be Lawful to and for the Surveyor or Surveyors, and such Person or Persons as they shall appoint, from Time to Time to remove and prevent Annoyances on any Part of the said Highway or Road hereby intended to be Repaired, by Filth, Dung, Ashes or Rubbish, Water-courses, Sinks or Drains, running into the said Highway or Road; and to cleanse any Ditch or Water-course adjoining to the said Road, and to lop or cut down any Boughs of Trees, or Bushes, upon or near the said Road, and to take and carry away the same, the Owner or Occupier neglecting to reform and amove such Annoyances, or to cut, fell, or take away such Boughs, Bushes and Lops, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any five or more of them respectively, the Charges whereof shall be reimbursed; And if after Removal of any the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted upon Oath, before one or more Justice or Justices of the Peace for the said Counties of *Lincoln* or *Nottingham*, shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of Twenty Shillings, to be levied in manner aforesaid.

And be it further Enacted, by the Authority aforesaid, That it shall and may be Lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains thro', and to make and erect Arches or Bridges of Brick, Timber or Stone upon, and also to widen any the narrow Parts of the said Highway or Road, by opening, clearing, and laying into the said Highway or Road, any Grounds of any Person or Persons lying contiguous to such Highway or Road (not being a House, Garden, Orchard, Planted Walk, or Avenue to a House) and also to cause Ditches or Trenches to be made, in such Manner as such Surveyor and Surveyors, by Order of the Trustees, or any five or more of them, in their respective Places, shall adjudge necessary for the better amending and keeping the said Highway or Road in good Repair; making such reasonable Satisfaction to the Owner or Occupier of such Ground which shall be so laid in or unto the said Highway or Road, or thro' which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made or erected, for the Damages which he, she or they shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions to be holden for the County wherein such Ground so laid into the said Highway or Road shall lie, or through which any such Drain or Drains, or Ditches, shall be cut or made, or on which any such Arch or Arches shall be erected or made, or such Causeways made, in case of any Difference concerning the same; And if any Owner or Owners of any Water-courses, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to scour or cleanse the same twice in the Year, after ten Days Notice shall be given for that Purpose (by the said Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him or them) to such Owner or Owners, it shall and may be Lawful to and for the said Surveyor or Surveyors, to set any Man or Men at Work to scour and cleanse the same, and by Warrant from any five or more of the said Trustees, to levy the Charge thereof upon the Person, Goods, or Estates of the Owner or Owners, Occupier or Occupiers of such Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be), to the said Owner or Occupier, after all Charges paid.

Provided always, That nothing in this *Act* contained, shall extend, or be construed to extend, to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen, or Agents, to stop, divert, or dispose of any Water or Water-course, either in or thro' any publick or private Ground that shall contribute towards filling or supplying any publick or private Pond or Ponds, Basons, Canals, or Reservoirs of Water, until all and every such Pond and Ponds, Basons, Canals and Reservoirs, shall be sufficiently supplied and filled, and the Water run Waste: And that whenever a Supply of Water shall or may be needful or convenient to any such Pond and Ponds, Basons, Canals and Reservoirs, or any of them, it shall and may be Lawful to and for the Owners and Occupiers thereof, to Stop and Dam up any such Water-course as may have been made in Pursuance of this *Act*, by Order of the said Trustees or their Surveyors, and to bring back the Water to such Pond and Ponds, Basons, Canals and Reservoirs, until the same shall be again sufficiently supplied and filled, and the Water run Waste, and so from Time to Time, as often as such Owners or Occupiers shall think fit and convenient.

And forasmuch as the Monies to be collected by such Receipt of the said Toll, will not at present be sufficient for the speedy Repairing of the said Highway or Road; **It is hereby further Enacted**, That the said Trustees, or any Ten or more of them, shall and may, and are hereby impowered, from Time to Time, by Writing under their Hands and Seals, to assign over the said Toll or Duty hereby granted, or any Part thereof, the Costs and Charges whereof to be borne and paid out of such Toll and Duty, for any Time or Term for which the same is hereby Enacted to be paid, or for any Part of such Time or Term, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with Interest, after the Rate of Five Pounds *per Cent. per Annum*; which said Money so borrowed, shall be so applied and disposed of as the said Toll or Duty should have been applied and disposed of by this *Act*, and to no other Use or Purpose whatsoever.

Provided always, That in Case there shall be more than one Gate or Turnpike in, cross, or on the Side of the said Highway or Road, no Person or Persons having paid the Toll or Duty aforesaid at the first Gate or Turnpike through which such Person or Persons shall pass, and producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is, and are hereby required to give *Gratis*) shall be liable to pay any Toll or Duty at the next Gate or Turnpike so set up, in, cross, or on the Side of the said Highway or Road, nor pay above twice in one Day the Toll or Duty aforesaid, as before is appointed; And in case any Person or Persons shall pass through all of the said Turnpikes so to be erected by this *Act*, such Person or Persons delivering the said Note or Ticket to the said Receiver or Receivers, Collector or Collectors, at the next or second Turnpike through which he, or they shall pass; And no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is taken, and shall return the same Day with the same Horse, Ass, Mule, Cattle, Coach, Berlin, Chariot, Calash, Chair, Chaise, Waggon, Cart, or other Carriage, shall be liable or compelled the same Day to pay the said Toll or Duty, when such Person or Persons shall so return.

And, for preventing Frauds and Abuses in the said Toll or Duty, **Be it Enacted**, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this *Act* granted and made payable, and having such Note or Ticket, Notes or Tickets as hereby directed, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing, or offering such Note or Ticket, Notes or Tickets, and being thereof convicted upon Oath, before any one or more Justice or Justices of the Peace for the said Counties of *Lincoln* or *Nottingham*, shall forfeit and pay the Sum of Ten Shillings to be levied, recovered and disposed of as any other Penalty or Forfeiture is directed to be levied, recovered and disposed of by this *Act*.

Provided also, and it is hereby Declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of the Turnpikes to be erected by this *Act*, and shall carry any Quantities of Stones, Gravel, or other Materials for Repairing of the said Road, or any of the Roads in the Parishes in which the same do lie, or in any of the neighbouring Parishes, or for carrying through the said Turnpike any Dung, Mould, or Compost of any Nature or Kind whatsoever, for Manuring of Gardens or Land within the same Parish; nor shall any Person or Persons be chargeable with the said Toll or Duty for any Carts or Waggons carrying any Hay or Corn in the Straw to be laid up in the Houses of the respective Inhabitants of the several Parishes in which the said Highway or Road hereby intended to be repaired lies; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the Using or Repairing the same, or any other Things whatsoever employed in Husbandry, for Manuring and Stocking of Land in the said several Parishes in which the said Highway or Road hereby intended to be repaired doth lie; nor shall any Toll or Duty be demanded or taken at any of the Turnpike or Turnpikes, for any Horses or Cattle going to Water, or for any Post-Horse carrying the Mail or Packet, or such Horse as is to be used only to ride on by the Owner or Driver of any Waggon, Cart, or Carriage, provided such Horse pass through the said Turnpike or Turnpikes, with such Waggon, Cart, or Carriage; nor shall any Toll or Duty be demanded or taken for the Horses of any Soldiers passing that are upon their March, or for Carts, Carriages, or Waggons attending them, or for Horses, Carts and Waggons travelling with Vagrants sent by Passes.

Provided always, That all and every Person and Persons, who by Law are chargeable towards the Repairing and Amending the said Highway or Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the said Parishes in which the said Highway or Road doth lie, as before he and they ought to have done.

And be it further Enacted, by the Authority aforesaid, That every Person chargeable towards Repairing the said Highway as aforesaid, shall, during the Continuance of this *Act*, do and perform Three Days of that Work commonly called the Statute-Work, which is appointed by the Laws now in Being, for the Amending the Highways of this Kingdom, in such Manner, Place, and Places, being Part of the Highways hereby intended to be Repaired, and at such

Time and Times, as the Surveyor or Surveyors to be appointed by Virtue of this *Act*, shall, by Writing under his or their Hands, from Time to Time order and direct, and shall not be again chargeable for the same by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; and also that the respective Surveyor or Surveyors for the Time being of all and every the Parish and Parishes in which the Road (intended to be Repaired by this *Act*) lies, shall, Yearly and every Year, within Four Days after Request made to him or them, by the Surveyor or Surveyors for the Time being, appointed by Virtue of this *Act*, give Lists, or an Account in Writing (under his or their Hands) of the Names of all and every Person and Persons in the said respective Parishes, who are by the Laws in Force chargeable towards the Repairing the Highways of the respective Parishes, and what he or they is or are charged or chargeable with respectively, for and towards the same, to the Surveyor or Surveyors appointed or to be appointed by Virtue of this *Act*; And that the said Surveyor and Surveyors of the said Parishes, shall, within Two Days after Notice given by the said Surveyor or Surveyors appointed by this *Act*, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do Three Days Work in and upon the said Highways lying in such Parish or Parishes to be Repaired by this *Act*, either Summon or give Publick Notice thereof to the said Person and Persons so chargeable as aforesaid; And if any Surveyor or Surveyors of the said Parishes respectively, shall neglect or refuse to do as they are hereby directed and required, he and they, for every Offence, shall forfeit the Sum of Forty Shillings; And if any Person or Persons, keeping a Team or other Carriage, and chargeable towards Repairing the Highways as aforesaid, shall neglect or refuse to do and perform Three Days Work in the said Highways lying in such Parish or Parishes by this *Act* intended to be Repaired (after such Summons or Publick Notice shall be given as aforesaid) he and they shall respectively forfeit and pay the Sum of Ten Shillings for each of the said Three Days as such Person or Persons, keeping a Team or other Carriage, shall make Default; And if any Labourer or other Person so chargeable towards Repairing the Highways of the said Parishes, shall at any Time neglect or refuse (after such Summons or Publick Notice given as aforesaid) to do and perform Three Days Work in such Highways (by this *Act* intended to be Repaired) he and they respectively, shall forfeit and pay the Sum of One Shilling and Six Pence for each of the said Three Days as such Labourer or other Person or Persons shall make Default.

Provided also, That if it shall appear to the said Trustees, or to any five or more of them, that any Lands, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, are liable or chargeable towards the Repairing and Amending the said Highway or Road hereby intended to be Repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person and Persons, as the said Trustees, or any five or more of them, shall appoint to receive the Tolls and Duties granted by this *Act*; which Rents and Profits shall be applied, from Time to Time, for Repairing the said Highway or Road, and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any five or more of them, may, and they are hereby empowered from time to time, as they shall think fit, to compound or agree by the Year, or otherwise, with any Person or Persons, using to travel through any of the Turnpike or Turnpikes, to be erected by Virtue of this *Act*, with any Coach, Berlin, Chariot, Chaise, Chair, Calash, Horses, Asses, Mules, Cattle, Waggon, Cart, or other Carriage, for any Sum or Sums of Money to be paid Quarterly, from time to time after such Agreement shall be made.

And be it Enacted, That all Penalties and Forfeitures by this *Act* imposed or incurred as aforesaid (the Manner of levying and recovering whereof, is not herein before particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of any two or more of His Majesty's Justices of the Peace of the same Division, or in Default thereof, of any neighbouring Justices of the Peace; which Warrant or Warrants the said Justices are hereby empowered and required to make, upon the Information of any two or more Credible Witnesses, upon Oath (which Oath the said Justices are hereby empowered and required to administer); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be distrained and sold (the Charge of such Distress and Sale being first deducted) shall go and be applied and laid out, if not otherwise applied or disposed of by this *Act*, for and towards amending the said Highway and Road hereby intended to be repaired.

And be it further Enacted, by the Authority aforesaid, That the Toll or Duty hereby granted, shall take Place and have Continuance only from and after the Twenty-fifth Day of June One thousand Seven hundred and Twenty-six, for and during the Term of One and twenty Years.

Provided, nevertheless, That if at any time before the Expiration of the said Term of One and twenty Years, the said Highway or Road shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace for the said respective Counties, at their respective Quarter-Sessions to be holden for the said Counties, that then, from and after such Adjudication made, and Repayment of such Money as shall have been borrowed, with Interest for the same, and the Costs and Charges thereof, the aforesaid Toll and Duty shall cease and determine; any thing herein contained to the contrary thereof notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace, at any of their General Quarter-Sessions to be holden for the said respective Counties, Yearly and every Year after the said Twenty fifth Day of *June* One thousand Seven hundred and Twenty six (if they think fit) to appoint one or more fit Person or Persons of the said Counties of *Lincoln* or *Nottingham*, to Survey or View the said ruinous Highway or Road by this *Act* directed to be amended, and to enquire of and concerning the Tolls and Duties taken and received in Pursuance of this *Act*; And in case such Person or Persons so appointed, shall find any Misapplication of the Monies levied by this *Act*, or any other Abuses of the Power and Authority hereby given, such Person or Persons shall thereupon certify the same to the Justices of the Peace, at their General Quarter-Sessions to be held for the said Counties of *Lincoln* or *Nottingham*, who are hereby authorized, impowered and required to Hear, Examine, and finally Determine the same, without further or other Appeal. And all such Sum and Sums of Money, or other Satisfaction, as the said Justices, at any of their respective Quarter Sessions to be holden as aforesaid, shall thereupon think fit to order or direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, be paid to the Treasurer of the said Turnpike for the Time being, or given within Ten Days after such Determination. And in Default thereof, it shall be lawful for the said Justices, at their next ensuing General Quarter Sessions, from Time to Time after such Determination, by Warrant to levy the same by Distress and Sale of the Offender's Goods and Chattels, returning the Overplus, if any shall happen to be, after Deduction of all Costs and Charges thereupon, to the Person or Persons so neglecting to make such Payment or Satisfaction; and for Want of sufficient Goods to be found for that Purpose, to commit the Person or Persons to the Common Gaol of the County where the Fact was committed, there to remain without Bail or Mainprize, till Payment and Satisfaction shall be made as aforesaid.

And be it further Enacted, by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons to be Trustees, for putting in Execution all and every the Powers and Clauses in this *Act* contained, for and during the Continuance thereof, it shall and may be lawful to and for such of them the said Trustees, or any ten or more of them, upon the Death of any of the said Trustees, Removal, or refusing to act in the said Trust, by any Writing or Writings under their Hands and Seals, from Time to Time, and at all Times hereafter, during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, so many more fit and able Person or Persons, living in the said Counties of *Lincoln* or *Nottingham*, to be joined with the said Trustees in the Execution of all and every the Powers and Trusts in them reposed by Virtue of this *Act*; and all and every Person and Persons so to be chosen to join in putting in Execution this *Act*, shall and may, and they are hereby impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees are by this *Act* impowered to act and to do, and so, *Toties Quoties*, as often as Occasion shall be or require.

And be it further Enacted, by the Authority aforesaid, That the several Trustees aforesaid, or any five or more of them, shall meet together at the County Hall in *Newark* in the said County of *Nottingham* on the first *Thursday* in *June* One thousand Seven hundred and Twenty-six, and shall then adjourn themselves, and afterwards meet there, or at any other Place near the said Highway or Road so to be repaired, as the said Trustees, or any five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this *Act* in Execution; and that the said Trustees, at their first Meeting, and at all subsequent Meetings, shall defray their own Charges and Expences.

Provided always, and be it further Enacted, That no Person or Persons appointed, or to be appointed by this *Act*, a Trustee, for putting this *Act* in Execution, shall have or accept of any Place of Profit arising out of, or by reason of the Toll or Duty by this *Act* laid or granted, but such Person and Persons shall be incapable, from the Time of accepting of such Place of Profit, of acting as a Trustee.

And be it further Enacted, by the Authority aforesaid, That if any Suit shall be commenced against any Person or Persons for any thing done in pursuance of this present *Act*, or in relation to the Premises, every such Action or Suit shall be commenced within three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said Counties of *Lincoln* or *Nottingham*, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, may plead the general Issue, and give this *Act*, and the special Matter, in Evidence, at any Trial to be had thereupon, and that the same

same was done in Pursuance and by the Authority of the said *Act*; and if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

And be it further Enacted, That this *Act* shall be deemed, judged, and taken to be a *Publick Act*, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially Pleading the same.



An ACT for Repairing the
Road from Spiclegate-Hill,
near Grantham, in the Coun-
ty of Lincoln, to Little-Dray-
ton, in the County of Not-
tingham.

[1725.]